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PATENT
Customer No. 22,852
Attorney Docket No. 7738.147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Grant E. DUBOIS et al.) Group Art Unit: 1761
)
Application No.: 09/838,809) Examiner: C. Paden
)
Filed: April 20, 2001)
)
For: NON CALORIC FROZEN)
CARBONATED BEVERAGE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

I, Grant DuBois, state that I am a named applicant of the above-identified application and that I am an inventor of the subject matter described and claimed therein. I declare that:

1. I am currently the director, Sweetener Platform, with the Coca Cola Company where I have been employed for the last 12 years.
2. All experiments described below were performed at my direction and under my control, and although the dates of these experiments have been redacted, as has other proprietary information, the experiments described below were performed before April 12, 2001, as evidenced by the following:

A. Exhibit A: Page 157 of Laboratory Notebook number 2519 of Sandy Ryan, showing the production of a reduced calorie frozen dispenser beverage.

3. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

Application No. 09/838,809
Attorney Docket No. 07738.147

further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: July 16, 2004

By: Grant DuBois
Grant DuBois

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TITLE

Work continued from Page 156

PROJECT NO.

BOOK NO.

Diet Coke
HB

157

Name: Low Calorie FCB
Comments: Increased Flavor

SET (BV, BW, SV, SW) => SV
Syrup Volume => 1.00 Liters

Checks	Weight Per Unit (kg)	Weight Needed (g)
Ingredients		
Part 1B		
S-8131	0.4088	1.051
Part 1		
S-604	5.6088	14.374
Part 2	5.6088	14.374
Part 3		
S-604		
S-4781	0.7788	1.996
S-4773	0.6735	2.498
S-4773	0.6735	2.498
Erythritol	88.2500	174.959
S-802	0.6760	2.500

Unit volume: 1850.00 Liters
Carbonation: 0.0 Volumes
Ratio (Throw) 4.0000

based on column 1
Type: Diet
Set Sucrose to Zero? Yes

SUCROSE

SYRUP	Brix	1.60
	Density	1.00338 kg/L
	Weight	1.0034
	Volume	1.0000 L
	Acidity	0.1690 % w/w
BEVERAGE	Brix	0.32
	Density	0.99842 kg/L
	Weight	4.992 kg
	Volume	5.000 L
	Acidity	0.0339 % w/v

HFSS - 55

#NUM!	kg/L
#NUM!	kg
#NUM!	L
#NUM!	% w/w
#NUM!	kg/L
#NUM!	kg
#NUM!	L
#NUM!	% w/v

HFSS - 42

1.58
1.00341 kg/L
1.0033 kg
0.9999 L
0.1680 % w/w
0.32
0.99842 kg/L
4.992 kg
5.000 L
0.0339 % w/v

good flavor level -> sweet
* need to inc. sweetness
* ice crystals too big
inc: 4761, 4773, 802

WEIGHTS based on dsb:

Sweetener (dsb)	0.00 g	#NUM!	g
Syrup Water	789.10	789.10	0.00 g
Beverage Water	3988.70	3988.70	789.02
Total Water	4777.79	4777.79	3988.29
			4777.31

** WEIGHTS based on % solids of =>

Sweetener (as is)	77.00%	#NUM!	g
Syrup Water	—	#NUM!	g
Beverage Water	—	3988.70	789.02
Total Water	—	#NUM!	3988.29
			4777.31

83.672 214.287

Lab Diet FCB

CONFIDENTIAL

9:08 AM 11/29/00

Sandy Ryan